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IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1965

No. 129

UNITED STATES OF AMERICA,
Respondent,

vs.

ARLO C. CRANCE, J. V. CRANCE, RALPH CRANCE, MINNIE NEWPORT, ROSE B. McKEE, AND ELIZABETH MILLER,
Petitioners.

SUPPLEMENT TO PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

EDGAR SHOOK
915 Grand Avenue
Kansas City, Missouri 64106
Attorney for Petitioners

Of Counsel:
SHOOK, HARDY, OTTMAN, MITCHELL & BACON
915 Grand Avenue
Kansas City, Missouri 64106

R. L. MIDDLEBROOKS, INC., 1108 Oak Street, Kansas City, Mo. 64106, HArrison 1-3080

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TO THE HONORABLE, THE CHIEF JUSTICE AND THE ASSOCIATE JUSTICES OF THE SUPREME COURT OF THE UNITED STATES:

Petitioners, ARLO C. CRANCE, J. V. CRANCE, RALPH CRANCE, MINNIE NEWPORT, ROSE B. McKEE and ELIZABETH MILLER, by their counsel, did on May 11, 1965, pray that a Writ of Certiorari issue to review the judgment of the United States Court of Appeals for the Eighth Circuit, reversing the judgment of the United States

District Court for the Western District of Missouri. Subsequent to the filing of said Petition for a Writ of Certiorari, to-wit, on the 24th day of August, 1965, the United States Court of Appeals for the Third Circuit, entered its opinion in the case of *United States* v. *172.80 Acres of Land, more or less, situate in Mercer County, Commonwealth of Pennsylvania; and Cecilia E. Stambaugh, et al.*, ____ F.2d ____ (3rd Cir. 1965). This case is squarely in point on the issue of enhanced value as the same is presented in the Petition filed herein, and it is submitted that it is in direct conflict with the opinion of the United States Court of Appeals for the Eighth Circuit in this cause, reported at 341 F.2d 161 (8th Cir. 1965), as the same is set out in the Appendix to petitioners' Petition for a Writ of Certiorari, at page A17, *et seq.*

The Third Circuit held that the land taken for recreational use in connection with a Federal reservoir project was not within the probable scope of the project and, therefore, that the landowner was entitled, as just compensation, to the value of the land taken as the same was enhanced by the condemned tract's proximity to the public project. The opinion of the Third Circuit Court of Appeals is set out in its entirety in the Appendix hereto at page SA-1.

Petitioners respectfully submit that, in addition to the Reasons Relied on for Allowance of the Writ and the jurisdictional statement contained in their Petition for a Writ of Certiorari to the United States Court of Appeals for the Eighth Circuit, the conflict between the Circuits on the question of enhanced value, and, more particularly, what constitutes probable inclusion in the government's project and competent evidence thereof, and the proper application of the law as established by this Court in *United States* v. *Miller*, 317 U.S. 369 (1943), require that said Writ be issued in order to resolve these issues of compelling general public interest.

CONCLUSION

For the foregoing additional reasons, it is respectfully submitted that petitioners' Petition for a Writ of Certiorari to the United States Court of Appeals for the Eighth Circuit be granted.

Respectfully submitted,

EDGAR SHOOK,
915 Grand Avenue,
Kansas City, Missouri 64106,
Attorney for Petitioners.

Of Counsel:
SHOOK, HARDY, OTTMAN, MITCHELL & BACON,
915 Grand Avenue,
Kansas City, Missouri 64106.